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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,874	12/31/2001	Shinya Kano	VX012398	4013
21369	7590	08/04/2005	EXAMINER	
VARNDELL & VARNDELL, PLLC 106-A S. COLUMBUS ST. ALEXANDRIA, VA 22314			OSBORNE, LUKE R	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,874

Applicant(s)

KANO, SHINYA

Examiner

Luke Osborne

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Status

1. Claims 1-3 are pending in the instant application.

Claims 1-3 stand rejected.

Foreign Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. Specification lacks a proper reference to the claimed nonprovisional application.

See 37 CFR 1.178.

37 CFR 1.178 (a) (2) iii If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title.

Claim Objections

4. Claim 2 recites the limitation "the pertinent position" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Interpretation

5. Claim 1 is being interpreted accordingly. The first limitation of "the three-dimensional model immediately before the part is deleted or modified is stored" is interpreted as "the three-dimensional model is stored, right before each additional part

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stacked is modified or deleted." This has been done for clarity. Likewise this is considered as the conventional "undo" feature. Appropriate consideration is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,828,963 to Ari Rappoport, hereafter "Rappoport."

Regarding claim 1, Rappoport discloses a three-dimensional CAD system which comprises allotting shape data indicating the shape of a part to each component, allotting reference data indicating a reference relation to between components, reproducing a three-dimensional model on a screen by sequentially stacking parts to be stacked on the already stacked parts based on the shape data and the reference data, processing to delete or modify parts of the three-dimensional model on the screen, reproducing the three-dimensional model with its part deleted or modified, and if reproduction of the three-dimensional model is stopped at a certain part, searching for

the cause of non-reproducibility. See Figures 4, 5, 6 and the corresponding portions of Rappoport's specification for this disclosure.

In particular, Rappoport teaches "a three-dimensional CAD system which comprises allotting shape data indicating the shape of a part to each component, allotting reference data indicating a reference relation to between components, reproducing a three-dimensional model on a screen by sequentially stacking parts to be stacked on the already stacked parts based on the shape data and the reference data, processing to delete or modify parts of the three-dimensional model on the screen, reproducing the three-dimensional model with its part deleted or modified, and if reproduction of the three-dimensional model is stopped at a certain part, searching for the cause of non-reproducibility, wherein:

- the three-dimensional model immediately before the part is deleted or modified is stored [version and extraction/creation information, such as undo logs or rollback logs, can be created to back-out or re-write changes that fail when the CAD data exchange is taking place, or to recreate a particular instance of the CAD design (Column 5, lines 25-29)];
- the stored immediately preceding three-dimensional model is shown on the same screen together with the non-reproducible three-dimensional model whose reproduction was stopped at the certain part [FIG. 9B is a screen shot 905 detailing aspects of a selecting an object, which is one useful process to which the user emulation techniques can be applied (Column 13, lines 44-60)]; and

– a difference of the shape and reference data between both of the three-dimensional models is determined to extract shape and reference data which are missing from the non-reproducible part, and the extracted shape and reference data are converted into information indicating the cause of non-reproducibility and shown on the screen

[FIGs. 9A-C depict aspects of user emulation, which is a fallback or alternative technique used to perform the extraction and creation processes... the user emulation techniques are used to gather information on wither the source CAD model or the target CAD model (Column 11, line 65 – Column 12, line 9) FIG. 9B is a screen shot 905 detailing aspects of a selecting an object, which is one useful process to which the user emulation techniques can be applied (Column 13, lines 44-60)]” as claimed.

Regarding claim 2, Rappoport discloses the three-dimensional CAD system according to claim 1, “wherein the non-reproducible part is shown at the pertinent position on the non-reproducible three-dimensional model on the screen [FIG. 9B is a screen shot 905 detailing aspects of a selecting an object, which is one useful process to which the user emulation techniques can be applied (Column 13, lines 44-60)]” as claimed.

Regarding claim 3, Rappoport discloses the three-dimensional CAD system according to claim 1, “wherein a modification plan to reproduce the three-dimensional model having the part deleted or modified is shown on the screen

[Figure 9B, Although optional, a bridge structure 402' is shown in FIG. 6. The bridge structure 402' can be universal data type or product representation--that is, an intermediate data type that is not, strictly speaking, the target data type. Thus, the bridge structure 402' can include additional information concerning the source CAD model, the target CAD model, and extraction and creation information that can be used for a lossless, two-way data exchange (Column 10, lines 1-8)]” as claimed.

Conclusion

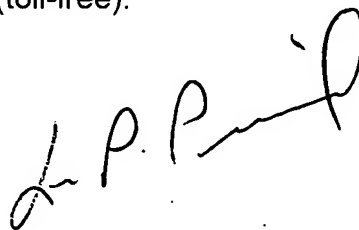
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Osborne whose telephone number is (571) 272-4027. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LRO



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